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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,390	09/17/2003	Amit Heller	1005-2-01 USP	4423

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EXAMINER	
NGUYEN, TIEN C	

ART UNIT	PAPER NUMBER
3694	

NOTIFICATION DATE	DELIVERY MODE
05/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/664,390	Applicant(s) HELLER ET AL.	
	Examiner TIEN C. NGUYEN	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office action in response to communications received January 23, 2009. Claims 1-21 are canceled. Claims 22-35 are newly added. Therefore, claims 22-35 are pending and addressed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 the form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 22-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Stadelmann (6,415,156).**

As per claim 22, Stadelmann teaches a method for ordering a service using a mobile device (column 1, lines 1-2) comprising:

providing a graphical user interface enabling a user of the mobile device to browse and select a plurality of services (the validation platform 42 is a software application execution on the mobile radio telephone 1, column 2, lines 31-48); and

generating and transmitting a text message to a service provider, in response to the user selecting the first service from among the plurality of services (arrow E, column 3, lines 21-23),

wherein the text message comprises a service code identifying the first service (a service code is referred as the short message with the input keys 12, column 3, lines 3-11),

wherein the service provider provides the first service to the mobile device based on the service code, in response to receiving the text message (to order a product comprises a short message with the input keys 12 from the services provider 2 to the mobile radio telephone, column 3, lines 3-10).

As per claim 23, Stadelmann teaches a method wherein the service provider generates a bill based on the service code (a bill which includes the price, and an indication of the new balance via a short message at arrow C, D, E and G are generated at the mobile radio network 5 to the customer of the service provider 2, column 3, lines 13-40 and column 4, lines 13-17 in Fig.1).

As per claim 24, Stadelmann teaches a method further comprising prompting the user to confirm selection of the first service (arrow E, column 3, lines 21-23).

As per claim 25, Stadelmann teaches a method wherein the text message further comprises a unique identifier of the mobile device (via SIM card 10, column 2, lines 7-9).

As per claim 26, Stadelmann teaches a method wherein the text message further comprises a destination address of the service provider (column 3, lines 28-29).

As per claim 27, Stadelmann teaches a method wherein the service provider maintains a database comprising billing and account information associated with the user (column 2, line 51).

As per claim 28, Stadelmann teaches a method wherein the first service is ordered from the service provider by way of a third party portal (Fig.1).

As per claim 29, Stadelmann teaches a method of ordering a first service using a general computer or kiosk (the mobile radio network 5 comprises a GSM Mobile Switching Center MSC 40 which includes a public kiosk, column 2, lines 20-22. Therefore, ordering a first service using a general computer or kiosk is referred as using a mobile device, the method comprising:

providing a graphical user interface enabling a user of the general computer or kiosk to browse and select a plurality of services (the validation platform 42 is a software application execution on the mobile radio telephone 1, column 2, lines 31-48); and

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transmitting a service code identifying the first service to a mobile device of the user, in response to the user selecting the first service from among the plurality of services (a service code is referred as the short message with the input keys 12, column 3, lines 3-11. So, transmitting a service code comprises a short message with the input keys 12 from the services provider 2 to the mobile radio telephone, column 3, lines 3-10);

wherein the mobile device generates and transmits a text message comprising the service code to a service provider, in response to receiving the service code from the general computer or kiosk (confirm the order, arrow E, column 3, lines 21-23),

wherein the service provider provides the first service to the mobile device based on the service code, in response to receiving the text message (to order a product comprises a short message with the input keys 12 from the services provider 2 to the mobile radio telephone, column 3, lines 3-10).

As to claims 30-35, the art and rationale of claims 23-28.

Response to Arguments

4. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tien Nguyen whose telephone number is (571) 270-5108.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-273-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

5/11/2009

/Mary Cheung/
Primary Examiner, Art Unit 3694